

PINS – TR030001

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PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Able – Proposed MEP, Killingholme

Associated British Ports - 10015525

**Supplementary Representation
on matters of Rail Transport
by Christopher John Geldard
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PRELIMINARY

The purpose of this document is partly to set out my response, on behalf of ABP, to various of the representations/comments made by Reid Rail in the main body of its report dated August 2012 submitted on behalf of the applicant. The document then goes on to discuss rail issues raised by the various parties, which fall to be considered in the context of the application

These representations should be read in conjunction with the two earlier sets of representations which I have produced on behalf of ABP, dated 28th June and 1st August 2012.

COMMENTS ON THE REID RAIL REPORT FOR THE APPLICANT, AUGUST 2012

1.1 ABP Comment on Reid Rail Introduction, page 2, 7th and 8th paragraphs

- The section of line within the AMEP site is not used at present

The applicant has failed to establish likely future use of the Killingholme Line which is part of the national rail infrastructure. It has assumed that as the line is currently not in use it would remain so. The present situation therefore seems to present AMEP with the opportunity to change the status of the line without consideration of future developments.

1.2 ABP Comment on Reid Rail Introduction, page 3, 1st and 2nd paragraphs

- The applicant only anticipates running two trains per day, which could be accommodated on the network

Recognising current and future demand, it is probable that all new services may not be able to be accommodated on KIL1. With limited overall capacity and uncertain future demand some restrictions may be necessary for users of the port rail network. In the absence of any implemented mechanism to increase capacity on the network, such as the Killingholme Loop, all additional train paths must be viewed in this context

1.3 ABP Comment on Reid Rail – Introduction, page 3, 4th and 5th paragraphs

- The applicant will enter into agreement with all affected parties to protect existing rights and the prospect of the Killingholme Loop

This assertion does not seem to conform to the current position being adopted by the applicant.

1.4 ABP Comment on Reid Rail – Geldard Consulting, page 6, 2nd paragraph

- ***A general cargo port generating 254 movements could not be accommodated on the network, but the proposed use of AMEP precludes this possibility***

The use of the facility, as proposed by the applicant, does not preclude this possibility which is why we have undertaken the analysis. Indeed, although Reid Rail do not appear to have been informed regarding this matter, it is the applicant's stated intention ultimately to operate AMEP as a general cargo port (referred to somewhat disingenuously by Able as the 'decommissioning phase').

1.5 ABP Comment on Reid Rail – Geldard Consulting, page 6, 3rd and 4th paragraphs

- ***Rail movements generated by AMEP may not be 'new' movements, since the facility may 'capture' traffic currently using the Port of Immingham***

As ABP Immingham has no involvement in the wind energy supply sector at Immingham there is no traffic to be captured. If this statement refers to the use of the Able facility as a general cargo port, the AMEP proposal contains no details of the additional infrastructure required in order to service the transport of such cargoes by rail. These would primarily be dry bulk and liquid bulk cargoes, requiring specialist ship unloading and rail loading equipment, neither of which has been environmentally assessed. The comment made by Reid Rail therefore doesn't stand up to objective scrutiny.

1.6 ABP Comment on Reid Rail – Geldard Consulting, page 6, 5th paragraph

- ***Mr Geldard is wrong in his assessment of the volume of petroleum products transported by rail***

"Petroleum products" is a misleading description as it includes chemicals such as Methanol and Styrene which are moved by rail from Simon Storage. It is accepted that only limited volumes of petroleum are moved by rail from the port. However, in fact, 50% of this overall commodity group is transported by rail from the Port of Immingham.

1.7 ABP Comment on Reid Rail – Geldard Consulting, page 6, 8th paragraph

- ***In the event AMEP were operated as a general cargo port, it would generate in the order of 170 train paths, as opposed to 254***

This statement confirms the essential point that there would be greatly increased train numbers if AMEP is to be operated as a general cargo port. I maintain my position that 254 is a realistic number of trains per week from a fully developed general cargo port as described. Significantly, even with 170 trains there would still be insufficient capacity for this level of activity through the port rail infrastructure.

1.8 ABP Comment on Reid Rail – CRO Ports, page 7, 2nd paragraph

- Any rail traffic from C.RO would have to travel across private ABP tracks in any event

ABP operates with long established procedures for the movement of all trains throughout the port rail infrastructure. These are regulated through Facility Access Contracts which are operated under the terms of Access Regulations (RIAMR). If, therefore, it is implied in Reid Rail's response that ABP would somehow seek to circumvent the regulations in place relating to access over tracks in its ownership, this is not accepted by ABP. The relevant issue is capacity over this part of the rail system.

1.9 ABP Comment on Reid Rail – Conclusion, page 12.

- The applicant is willing to guarantee access rights for C.Gen and C.RO and to enter into further agreements regarding operation of the Killingholme Loop.

Such assurance may well satisfy many of ABP's concerns, but Reid Rail's statement does not appear to reflect the current views from the applicant. Their failure to accept the Network Rail lease proposal, which includes conditions relating to the Killingholme Loop project, does not give cause for optimism.

2. SUMMARY OF CURRENT RAIL FINDINGS

2.1 The Immingham/Killingholme Rail Market

Rail traffic through the Port of Immingham is set to grow in the next 5 years. Much of this growth will result from the increased use of biomass in the electricity supply industry. The development of new biomass power stations and co-firing at existing coal-fired stations will grow in line with the Government's policy to promote sustainable sources of energy, with a resultant lessening in demand in the UK for Electricity Supply Industry (ESI) coal. Notwithstanding this, , the Port of Immingham is expected to capture a greater share of the national coal market, as a result of:

- further declines in domestic production of coal and a commensurate need to rely more heavily on imports; and
- the increasing dominance on the Aire and Trent Valley power stations in the electricity-from-coal sector (due to other power station closures).

Furthermore, significant increases in track access charges for ESI coal will promote those ports, such as Immingham, which are closest to power stations.

Further volumes of rail traffic will be generated through the development of the CGEN power station at Killingholme and the probable future use of rail for the inland transportation of cargo from C.RO operations.

Overall, therefore, the forecast of the volumes of coal to be handled at the Port of Immingham is set to be broadly static over the foreseeable future, but with strong growth expected in biomass volumes.

2.2 Rail Capacity at the Port of Immingham

As has already been explained in earlier representations the running line (KIL1) through the port is already nearing congestion level. If anticipated cargo volumes are secured then the port rail infrastructure will have reached capacity. This could be within the next 5 years. All possible rail enhancements at the port are being, or have already been implemented.

In addition, the increasing national dependence on Immingham as a port of strategic significance for the importation of power station fuel becomes ever more critical. As such, the risks of disruption to rail access to the port cannot be overestimated – for example a bridge strike by a road vehicle on the public road network in the vicinity of Immingham could badly disrupt rail shipments from the Port. Provision of the Killingholme Loop will provide alternative access by rail to the Port in such circumstances.

2.3 The Killingholme Loop

At the Hearing of 14th September, Network Rail was unambiguous in stating that the Killingholme Loop was the only option available if the Port of Immingham rail infrastructure reaches capacity. The need to protect the route could not be clearer. The Killingholme Line must remain part of the nation's operational railway and any development by AMEP must not be allowed to compromise this position.

Any negotiated lease between Network Rail and AMEP must, as a first priority, protect this situation. It is vital that any conditions contained in the lease are not only sufficient to satisfy the requirements of the ExA in reaching their conclusions, but are also enforceable in law.

Key in protecting the option to develop the Killingholme Loop are the arrangements for the various crossings for road access to either side of the line. With a very busy line and trains travelling at 20 to 30 mph it is essential that risks are minimised. The four bridge option as described in detail in AMEP's response to ExA's second set of questions, question 29, shows how the bridge solution could and should work.

2.4 The HIT headshunt

ABP welcomes the change in the applicant's position as regards the extent of the land proposed to be compulsorily acquired from Network Rail. Following confirmation at the Hearing of 14th September, ABP now understands that the applicant no longer seeks acquisition of the land scheduled to facilitate the development of the HIT headshunt. ABP is still awaiting a revised plan indicating the extent of the land to be excluded from the CPO being sought.

2.5 The Rail solution

It is suggested that the four bridge option as described in AMEP's response to ExA's second set of questions, question 29, is adopted as part of the preliminary development of the AMEP site. The applicant provides details of the requirements and design of the bridges in paragraphs 6.1 to 6.6 and figures 6.1 and 6.2. The advantages of this solution are:

- The Killingholme Line remains in the ownership and control of Network Rail.
- All interests are protected. In particular, C.RO/C.GEN's concerns regarding operations, their connections and access are resolved whilst the development of the Killingholme Loop is safeguarded.
- Since the bridges would be designed into the site layout on commencement of the development, and not at a later stage, the difficulties involved in trying to 'introduce' the bridges to the application site at a time when commercial operations are already existing, are avoided.
- This option provides the safest working solution for all parties.

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- 2.6 In advocating this solution, I note that Able says that the AMEP development would still be viable even though the Killingholme Line would remain in the public rail network. (Paragraph 6.3 of AMEP reply to ExA's second set question 29). Even if one accepts without query the applicant's costing figures for the bridges, those costs are modest in terms of the overall development.
- 2.7 I also note in this context that in order for this proposal to operate effectively, the line should be fenced at the statutory safe distance from the track within the length of the AMEP site. Any operational inconvenience would be more than compensated by the increased levels of safety on the AMEP site.

C J Geldard